

FILED
Clerk
District Court

AUG 26 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

SMITH & WILLIAMS
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Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

MICHAEL W. KENNEDY dba MKI
AIRCONDITIONING and
REFRIGERATION,

Plaintiff,

vs.

ROSALINA T. GABUTIN,
JOSEPH C. GABUTIN,
FELIX M. MENDIOLA,
LOURDES T. MENDIOLA,
JOAQUIN F. TUDELA, SR. and
EDITH C. TUDELA,

Defendants.

Civil Action No. CV-03-0016

**MOTION FOR AN ORDER
TO SHOW CAUSE IN RE:
CONTEMPT**

Date: SEP - 1 2005
Time: 9:30am
Judge: Alex R. Munson

COMES NOW MICHAEL W. KENNEDY dba MKI AIRCONDITIONING and REFRIGERATION, Plaintiff herein, by and through its attorneys, Smith & Williams, and moves this Court for an Order to Show Cause in Re: Contempt against Mr. Palokoa Mongkeya for his failure to obey the Court's order dated March 28, 2005.

On August 20, 2004, the Court granted Plaintiff's Application for Writ of Execution, and directing said Writ of Execution to "create a lien and continuing levy upon real property, rents, payments, income and profits of Rosalina T. Gabutin, in an amount not exceeding \$88,926.67 plus accrued interest."

1 On or about June 16, 2004, Mr. Mongkeya entered into a lease agreement with
2 Rosalina Gabutin for Ms. Gabutin's house and lot (Lot No. 016 K 59) in Gatbu Avenue,
3 Dandan. Plaintiff believes that Mr. Mongkeya still occupies the house as of this date.

4 On February 18, 2005, Mr. Mongkeya appeared before the Court after Plaintiff
5 filed a Motion for an Order in Aid of Judgment. At the hearing, the Court determined
6 that Mr. Mongkeya has an existing lease agreement with Rosalina Gabutin.

7 Because Plaintiff has a lien on rental payments owing Ms. Rosalina Gabutin from
8 the property being leased to Mr. Mongkeya, the Court ordered Mr. Mongkeya to a) pay
9 Smith & Williams \$50.00 per month beginning March 1, 2005 for arrearages owed on the
10 rent in the amount of \$1,300.00; and b) pay Smith & Williams the monthly rent of
11 \$250.00 beginning March 1, 2005.

12 On March 28, 2005, Mr. Mongkeya once again appeared before this Court as a
13 result of Plaintiff's Motion for an Order to Show Cause in re: Contempt for Mr.
14 Mongkeya's failure to obey the Court's order on February 18, 2005. The Court ordered
15 Mr. Palokoa Mongkeya to: a) pay Plaintiff, through the offices of his attorney, Smith &
16 Williams, the arrearages owed on the rent in installment payments at a rate of \$50.00 per
17 month on March 31, 2005; and b) to pay Plaintiff, through the offices of its attorney,
18 Smith & Williams, the monthly rent of \$250.00 on March 31, 2005.


19 Mr. Mongkeya failed to obey this Court's order in that he failed to make payments
20 for the months of June, July and August, 2005.

21 Based on the above, Plaintiff respectfully requests the Court to issue an Order
22 finding Mr. Mongkeya in contempt for failure to obey the Court's order. Additionally,
23 Plaintiff requests that the Court issue an order for Mr. Mongkeya to vacate the premises
24 and authorize Plaintiff to find a new tenant for the property.

25 This motion is supported by the Declaration of Mark K. Williams and the records
26 and files in this case.

1 RESPECTFULLY SUBMITTED.

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3 Date: August 24, 2005



4 MARK K. WILLIAMS
5 Attorney for the Plaintiff
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